PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , MAY 26 , 1992

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING May 26 , 1992, IN Regular SESSION. PRESIDENT Thomas C. Henry IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Present , EDMONDS Present , GiaQUINTA Present ,
HENRY Present , LONG Present , LUNSEY Present ,
RAVINE Present , SCHMIDT Present , TALARICO Present ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR May 12 , 19 92
, 19 ,
SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 26th day of May, 19 92, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 29th day of May, 19 92.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

April 29, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicate utililty easement and alley.

The proposed ordinance is designated as:

Bill No. G-92-04-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1992.

Robert Hutner
Secretary

/pb

CC: File

337-M

RECYCLED

FACT SHEET

G-92-04-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Alley & Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
The 1st E/W alley north of Paulding Road, and running west off of Anthony Blvd. And a north south utility easement that runs to the alley.

Reason for Project

Future development and construction of a Walgreen's Drug Store.

Discussion (Including relationship to other Council actions)

20 April 1992 - Public Hearing

See Attached Minutes of Meeting

27 April 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing utility easements or relocations as needed.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Halls Drive Ins **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 19 March 1992

Projected Completion or Occupancy Date 29 April 1992

Fact Sheet Prepared by Date 29 April 1992

Patricia Biancaniello

Reviewed by Date 11 MAY 1992

Reference or Case Number

Bill No. G-92-04-11 - Vacation Petition #508
The first east-west alley north of Paulding Road, running west off of Anthony Blvd. And a north-south utility easement that runs to the alley.

5. Public Hearing on a Zoning Map Amendments

a. Bill No. Z-92-04-08 - Change of Zone #507
From R-3 to B-1-B
5730 So Anthony Bl & 1713 Paulding Rd

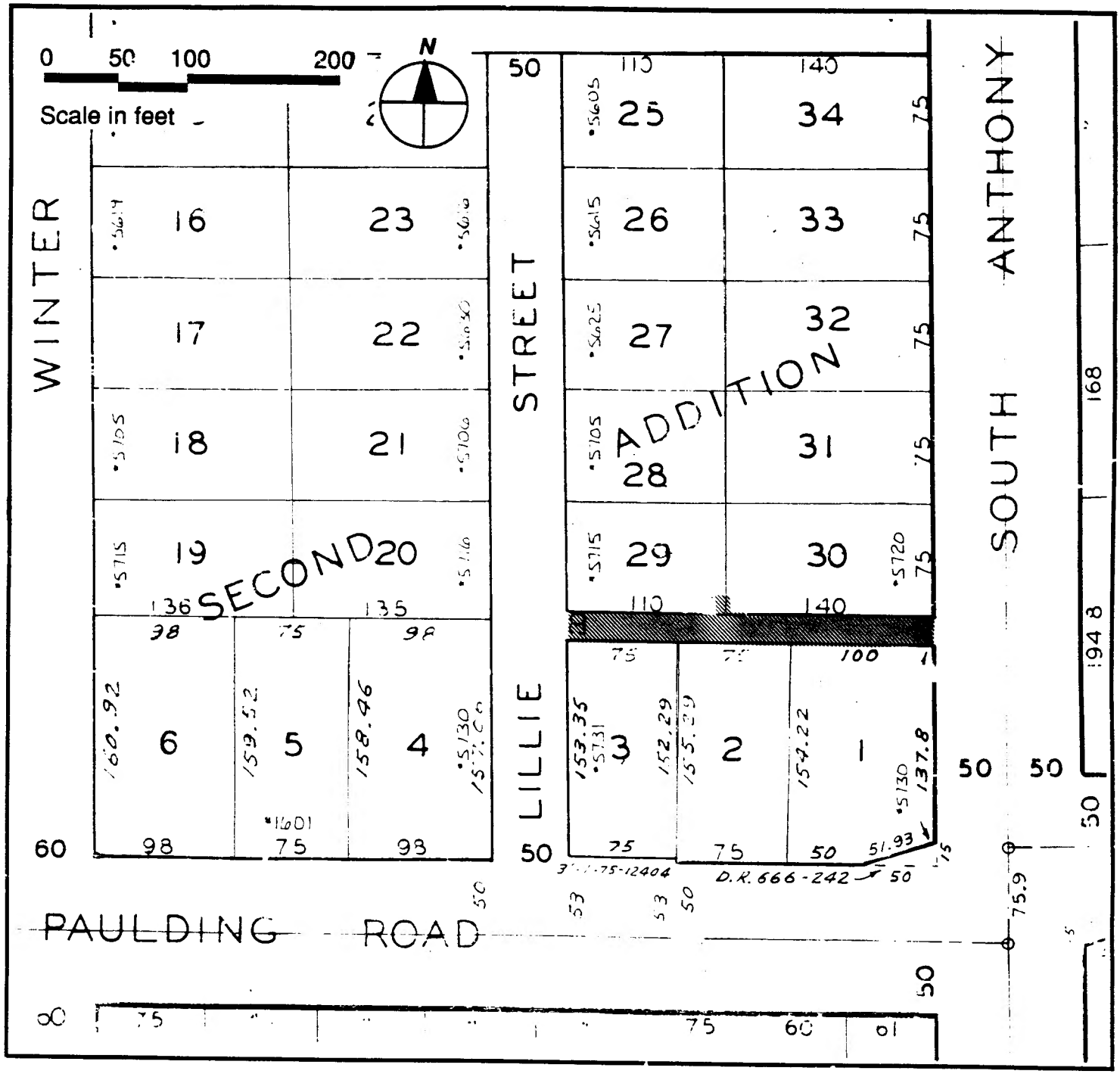
Dan Serban, attorney for the petitioners appeared before the Commission for Vacation Petition #508 as well as Change of Zone #507. Mr. Serban stated that he would speak to both issues jointly. Mr. Serban stated that he was representing St. Mary's Realty who is the purchaser of the property, and the property owners abutting the alley. He stated that they hope to develop the property, if the alley is vacated and the rezoning approved, for a new Walgreen's Store. He stated that the existing structures would be demolished. He stated that they are the only owners of property on either side of this unopened and unimproved alley. He stated that they are willing to comply with the staff conditions and will provide for the utilities in the alley as needed. He stated that this request would allow for the extension of the existing commercial zoning in an area that is not appropriate for residential.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation or rezoning request.

VACATION PETITION

AREA MAP

CASE NO. #508



COUNCILMANIC DISTRICT NO. 6

Map No. O-19
LW 3-27-92

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/HB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Daniel E. Serban, attorney for the petitioners, requests the vacation of a portion of public right-of-way, and a portion of a utility easement.

Location:	The 1st east-west alley north of Paulding Road, and running west off of Anthony Blvd. And a north-south utility easement that runs to the alley.		
Legal:	See file		
Land Area:	Approximately 0.12 acres		
Zoning:	B-1-B and R-3		
Surroundings:	North	R-3	Office use
	South	B-1-B	Commercial (vacant)
	East	RA/B1B	Commercial
	West	R3/R1	Commercial/residential
Reason for Request:	Not stated on petition, but future development is proposed for this area.		
Neighborhood Assoc.:	None		
Comprehensive Plan:	No comment.		
Neighborhood Plan:	No comment.		
Landscape:	No comment.		

Planning Staff Discussion:

Petitioners state that they are the only owners of property on either side of this unopened and unimproved alley, and on both sides of the utility easement.

The alley is located immediately north of the vacant Hall's site at the corner of Anthony and Paulding. It is unopened and unimproved, but does have overhead utilities located within it.

Staff's evaluation indicates that approval is warranted for a number of reasons. The right-of-way is not needed for access to either public or private properties or places, nor will the value of any area property be negatively impacted by approval. In fact approval will allow the reuse of the property and the inclusion of this right-of-way on the tax rolls.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as needed,

and for the following reasons:

1) Approval will not hinder any access needs.

2) Approval will not have a negative impact on any area property.

3) Approval will allow for an orderly growth of development in the area.

RESOLUTION 79-231-12

WHEREAS, HALLS DIRVE-INS, INC., CHRISTOS TOSKOS and LIUNA, LOCAL 213 INC have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley and utility easement situated in Fort Wayne, Allen County, to-wit:

A twenty foot alley, being parallel to and adjacent to Lots Numbered 1, 2, 3 and 29 and 30 in Squire's Second Addition, being more particularly described as follows:

Beginning at the Northeast corner of Lot Numbered 1 in Squire's Second Addition; thence North along the West line of Anthony Boulevard, a distance of 20 feet to the Southeast corner of Lot Numbered 30 in Squire's Second Addition; thence West along the South line of Lot Numbered 29 and Lot Numbered 30 in Squire's Second Addition, a distance of 250 feet to a point on the East line of Lillie Street, said point being the Southwest corner of Lot Numbered 29; thence South along the East line of Lillie Street, a distance of 20 feet to the Northwest corner of Lot Numbered 3 in Squire's Second Addition; thence East along the North line of Lot Numbered 1, Lot Numbered 2 and Lot Numbered 3 in Squire's Second Addition, a distance of 250 feet to the point of beginning, containing 0.115 acres.

ALSO:

The South 25.0 feet of the West 7.5 feet of Lot Numbered 30 in Squire's Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

TOGETHER WITH:

The South 25.0 feet of the East 7.5 feet of Lot Numbered 29 in Squire's Second Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley and utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley and utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley and utility easement herein-before described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley and utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held May 6 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 6 DAY OF May 1992

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

C. James Owen
Member, Board of Public Works

RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on April 20, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley and utility easement.

WHEREAS, said vacation of dedicated alley and utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley and utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley and utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley and utility easement or part thereof for

the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley and utility easement in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, April 27, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF April 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary